

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Zurich American Life Insurance Company,
Plaintiff,

(JUDGE RAKOFF)

-v-

20cv11091 (JSR)

Jon Nagel,
Defendant.

----- X

**By way of an update, Defendant Jon Nagel, Pro Se on this
24th day of February, 2021 hereby respectfully informs the
Court of the following:**

- 1. Age discrimination case was filed by Nagel in New
York State Supreme Court on December 29, 2020
under Index No. 161329/2020. (See Exhibit A.)**
- 2. Defendant Nagel was indirectly served with this case at
his temporary COVID abode on January 14, 2021 over
two weeks after it was initially filed with the Court.
(See Exhibit B.)**
- 3. When it became clear that Nagel's Attorney in the
New York State proceeding (C. Laurie Bizzarro, a sole
practitioner) was not able to provide representation in
this matter, Nagel began to actively engage in locating
representation.**

- 4. Throughout consultations with prospective representation, Nagel was advised that, as an officer within the Zurich Insurance Group, his representation should be covered by the organization's Directors & Officers Liability ("D&O") Policy.**
- 5. Upon receiving this advice, Nagel recalled that this was applicable to him as stated during his employment by two other officers within the Zurich Insurance Group.**
- 6. Accordingly, Nagel asked Attorney Bizzarro to formally request the D&O Policy so that Nagel could properly seek legal representation.**
- 7. Bizzarro requested the D&O Policy from the Plaintiff including on February 4, 2021. (See Exhibit C.)**
- 8. During a phone conference of this Court on February 17, 2021, the Plaintiff was again requested to provide the D&O.**
- 9. In compliance with the Court's request during the phone conference on the morning of February 17, 2021, within an hour of the phone conference ending, Nagel again requested the D&O policy from the aforementioned Plaintiff. (See Exhibit D.)**

10. Plaintiff has not complied, and Nagel is still waiting for the D&O policy.

11. The D&O policy will inform Nagel's representation.

12. Accordingly, Nagel does not concur with the Plaintiff's characterization of events and believes it is indictive of a pattern of misstating events of the action. (See Exhibit E.)

13. At this juncture, Nagel is awaiting the Plaintiff's production of the D&O policy in order to acquire representation.

DocuSigned by:

J Nagel

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Jon Nagel
175 East 96th Street
New York, NY. 10128
(646) 643-4891

EXHIBIT A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
JON NAGEL,

Plaintiff,

-against-

**CENTRE GROUP HOLDINGS (U.S.) LIMITED,
CENTRE INSURANCE COMPANY, CENTRE LIFE
INSURANCE COMPANY, ZCM (U.S.) LIMITED, ZCM
MATCHED FUNDING CORP., ZURICH AMERICAN
COMPANY LLC f/k/a ZURICH AMERICAN
CORPORATION, ZURICH CAPITAL MARKETS INC.,
ZURICH CAPITAL MARKETS SECURITIES INC.,
ZURICH STRUCTURED FINANCE, INC., ZURICH
AMERICAN LIFE INSURANCE COMPANY, ZURICH
AMERICAN LIFE INSURANCE COMPANY OF NEW
YORK, ZURICH HOLDING COMPANY OF AMERICA,
INC., ZURICH INSURANCE COMPANY LTD, ZURICH
INSURANCE GROUP LTD, ZURICH AMERICAN
INSURANCE COMPANY, PATRICK J. CARTY and
CHERYL PAPPAS,**

Defendants.
-----X

Index No.: 161 329 / 2020

Date Purchased: 12/29/20

SUMMONS

Plaintiff designates
New York County
as the place of trial.

The basis of venue is
where DEFENDANT
resides.

DEFENDANT

**ZURICH AMERICAN
LIFE INSURANCE
COMPANY OF NEW
YORK**

resides at

150 Greenwich Street, 53rd
Floor

4 World Trade Center

New York, New York 10007

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state or, within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
December 10, 2020

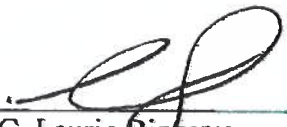

By: C. Laurie Bizzarro
THE LAW OFFICE OF
C. LAURIE BIZZARRO, P.C.
Attorneys for Plaintiff(s)
JON NAGEL

EXHIBIT B

Case 1:20-cv-11091-JSR Document 3 Filed 02/09/20 Page 1 of 2

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York



ZURICH AMERICAN LIFE INSURANCE COMPANY)

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Plaintiff(s)

v.

Civil Action No. 1:20-cv-11091

JON NAGEL)

)

)

)

)

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jon Nagel
2560 South Ocean Boulevard
South Beach, Florida 33480

Palm

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jeremy A. Cohen
Seyfarth Shaw LLP
620 Eighth Avenue
New York, New York 10018

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

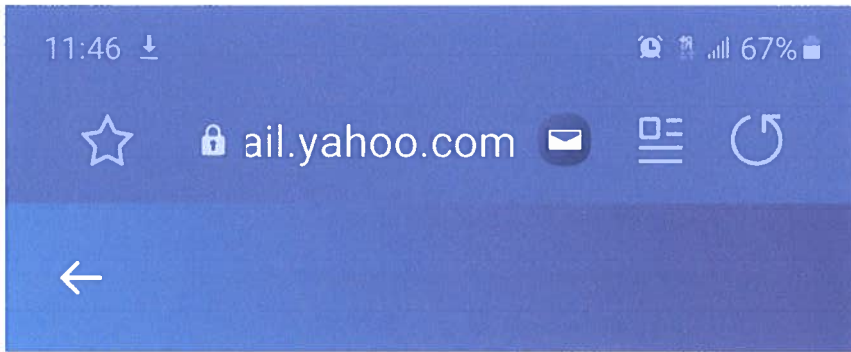
Date: 1/4/2021

/s/ P. Canales

Signature of Clerk or Deputy Clerk



EXHIBIT C



me

clauriebizzarro@yahoo.com

[Show less](#)

To  **Wexler, Howard** hwexler@s...

Cc  **Finkel, Noah A.** nfinkel@sey...

Feb 4 at 9:56 AM

Thank you. Mr. Nagel has asked me to request from you "Zurich's D&O liability insurance policy." He was/is an officer of multiple Zurich entities. Can you forward me a copy of this document? He was/is an officer of multiple Zurich entities.

Laurie



Delete



Move to



Forward



Reply



More



EXHIBIT D



Jon Nagel <nagelamerica@gmail.com>

Following up per Judge's instructions (RE: 20 cv11091 (JSR))

Jon Nagel <nagelamerica@gmail.com>

Wed, Feb 17, 2021 at 11:40 AM

To: "Jeremy A." <jacohen@seyfarth.com>

Cc: James Mandilk <James_Mandilk@nysd.uscourts.gov>, "Robyn E." <rmarsh@seyfarth.com>

Mr. Cohen:

As per Judge Jed S. Rakoff's instructions, I am following up with this email. I reiterate my request for the D&O Policy and am requesting herewith, as per Judge Rakoff's guidance, indemnification. Thank you,

Jon Nagel

EXHIBIT E



Jon Nagel <nagelamerica@gmail.com>

Fw: Case 1:20-cv-11091-JSR Zurich American Life Insurance Company v. Nagel**Laurie Bizzarro** <clauriebizzarro@yahoo.com>

Tue, Feb 9, 2021 at 6:10 PM

To: Jon Nagel <nagelamerica@gmail.com>

Hi Jon,
Please see the attached email.
Laurie

The Law Office of C. Laurie Bizzarro, P.C.
309 82nd Street
Brooklyn, New York 11209
Phone (718) 833-8246
Fax: (718) 680-6807

— Forwarded Message —

From: Marsh, Robyn E. <rmarsh@seyfarth.com>**To:** 'Laurie Bizzarro' <clauriebizzarro@yahoo.com>**Cc:** Cohen, Jeremy A. <jacohen@seyfarth.com>**Sent:** Tuesday, February 9, 2021, 05:23:11 PM EST**Subject:** RE: Case 1:20-cv-11091-JSR Zurich American Life Insurance Company v. Nagel

Laurie,

The parties are due to file the status report with the Court tomorrow in the above action, one week before the re-scheduled initial case management conference set for February 17. As you know, the initial conference was rescheduled to allow time for Mr. Nagel to secure counsel in this matter. To date, Mr. Nagel has not identified new counsel nor has an attorney appearance been filed on his behalf. If we do not hear from you and/or new counsel of record by tomorrow February 10 at 3pm CST, we will file the attached prepared status report with the Court, indicating that new counsel has not yet appeared or contacted Zurich's counsel.

Thank you,

Robyn

Robyn E. Marsh | Associate | Seyfarth Shaw LLP
233 S. Wacker Drive | Suite 8000 | Chicago, Illinois 60606-6448